

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 23 2009

DAVID J. WALAND, CLERK
BY
DEPUTY

NAVO SOUTH DEVELOPMENT
PARTNERS, LTD.,

Plaintiff,

vs.

DENTON COUNTY ELECTRIC
COOPERATIVE, INC. d/b/a
COSERV ELECTRIC,
Defendant.

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Case No 4:09CV00072


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 21, 2009, the amended report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss (Dkt. 11) be GRANTED.

The court, having made a *de novo* review of the objections raised by Plaintiff, as well as Defendant's response, and Plaintiff's reply, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Defendant CoServ's Motion to Dismiss Complaint (Dkt. 11) is GRANTED, and all claims against Defendant are dismissed with prejudice.

IT IS SO ORDERED.

SIGNED this 22nd day of Oct, 2009.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE